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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

BRUCE LONG BENEDICT,  
Plaintiff,  
v.  
GREAT AMERICAN  
INSURANCE,  
Defendant.

Case No. EDCV 13-02072-JGB  
(DTBx)

**JUDGMENT AND ORDER  
DISMISSING COMPLAINT WITHOUT  
PREJUDICE**

Plaintiff Bruce Long Benedict filed his Complaint in pro per in state court on October 7, 2013. (Not. of Removal, Doc. No. 1, Exh. A.) On November 12, 2013, Defendant removed the action to this court, stating that "[n]o process, pleadings, or orders have been served on Great American." (Not. of Removal at 4.) There is no proof of service on file with the Court, nor has Plaintiff demonstrated that process was properly issued and timely served under state law prior to removal. See 28 U.S.C. § 1448.

On April 1, 2014, the Court issued an order to show cause why the case should not be dismissed for lack of

1 prosecution, as Plaintiff had failed to file proof of  
2 service as to Defendant within 120 days of removal.  
3 (Doc. No. 8.) Fed. R. Civ. P. 4(m). The Court put  
4 Plaintiff on notice that failure to respond to the order  
5 would be deemed consent to the dismissal of the action.  
6 (Id.)

7 As of the date of this Order, Plaintiff has not  
8 responded to the order to show cause, nor has he filed  
9 proof of service as to Defendant. Plaintiff has not  
10 filed anything in this action since initiating the  
11 Complaint in state court.

12 Accordingly, the Court DISMISSES Plaintiff's  
13 Complaint WITHOUT PREJUDICE. The Clerk shall close the  
14 file. The Court orders that such judgment be entered.

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16  
17 Dated: May 15, 2014



JESUS G. BERNAL  
United States District Judge